APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/406,435	09/27/1999	VIKTORS BERSTIS	AT9-99-367	1602

7590   04/21/2003

BRACEEWELL & PATTERSON, L.L.P.
INTELLECTUAL PROPERTY LAW
P.O. BOX 969
AUSTIN,, TX   78767-0969

EXAMINER
SINGH, RACHNA

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 04/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/406,435	BERSTIS, VIKTORS
	Examiner	Art Unit	
	Rachna Singh	2176	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *27 September 1999* .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-33* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2, 3* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   This action is responsive to communications: application, filed 09/27/99.

2.   Claims 1-33 are pending in the case. Claims 1, 12, and 23 are independent

claims.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Smith et al., US Patent 6,006,206, 12/21/99 (filed 9/8/97).

In reference to claim 1, Smith teaches for monitoring financial information in a

communications network comprising the following steps:

- Receiving a financial document from a data source and formatting a financial

  document to include a data source identifier. Compare to *"evaluating a*

  downloaded file from a source within said network to determine if a source

  identifier is present in said downloaded file". See column 3, lines 17-20.

- A status code generator for generating and transmitting a data source status

  code based upon the operating status of the data source wherein the data source

  status code includes the data source identifier. The status code generator

  automatically updates the data source status code in response to changes in the

  operating status of the data source and automatically transmits the updated data

source status code. Compare to *"checking said source periodically utilizing said source identifier to determine if a newer version of said downloaded file exists"*. See column 3, lines 20-34.

- Receiving and processing the formatted financial document and displaying at a client terminal. Compare to *"replacing, in response to the presence of said newer version of said downloaded file, said downloaded file with said newer version"*. See column 3, lines 34-44.

Smith teaches replacing the downloaded file with a newer version according to changes recorded by the status code generator; thus it would have been obvious to one of ordinary skill in the art at the time of the invention to replace a document with an updated version as taught by Smith.

In reference to claim 2, Smith teaches receiving a financial document from a data source and formatting a financial document to include a data source identifier. See column 3, lines 17-20.

In reference to claim 3, Smith teaches transmitting the formatted real-time financial data and the data source status signals to one or more client sites. The client terminal receives the requested financial data. The data source identifier is extracted from the financial document. If the user transmits a request to obtain the current status data to the data source, the new financial data is presented. Compare to *"providing an indication to a user that said newer version of said file exists; prompting said user to replace said downloaded file with said newer version; and replacing . . .said downloaded file with said newer version"*. See figure 5.

In reference to claim 4, Smith teaches a system in which a source identifier is included in a data source status code which is stored outside the financial document. See column 13.

In reference to claim 5, Smith teaches a system for downloading financial data which could be presented in PDF or ZIP files.

In reference to claim 6, Smith teaches a system of identifying the source of a document via a source identifier. Smith's invention would not be limited to a particular type of identifier. Thus it would have been obvious to one of ordinary skill in the art to have the source identifier be a URL. See abstract.

In reference to claim 7, Smith teaches checking the source in real time. See abstract and general disclosure.

In reference to claim 8, Smith teaches checking the sources upon requesting real-time financial data by the user. Thus Smith in essence is allowing the time interval to be "user defined". See figure 5.

In reference to claim 9, Smith teaches the system of checking the source for an open financial document. See abstract, figure 5, and column 12, lines 33-67. The financial data is checked in real-time while a document is open.

In reference to claim 10, Smith teaches that a user can request financial data which would require the system to check the source. Thus the user "initiates" the step of checking the source. See figure 5.

In reference to claim 11, Smith's system is implemented over a communications network which could be a packet network. See abstract.

Claims 12-22 are rejected under the same rationale used in claims 1-11
respectively above.

Claims 23-33 are rejected under the same rationale used in claims 1-11
respectively above.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure.

US 5,764,992   Kullick et al.

 US 20010007147 A1 Goldschmidt

6.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Rachna Singh at 703.305.1952. The examiner can
normally be reached on Monday-Friday from 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Heather Herndon, can be reached at 703.308.5186.

Any inquiry of a general nature or relating to the status of this application should
be directed to the Group receptionist whose telephone number is 703.305.3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
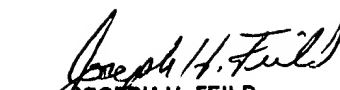Washington, D.C. 20231

or faxed to:

After-Final   703.746.7238
Official   703.746.7239
Non-Official/Draft *703.746.7240*

Hand-Delivered responses should be brought to Crystal park II, 2121 Crystal Drive, Arlington VA., Sixth Floor (Receptionist).

Art Unit: 2176

Rachna Singh
April 16, 2003

JOSEPH H. FEILD
PRIMARY EXAMINER

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein Identifying indicia; if provided, should include the title of the invention, inventor's name; and application number, or docket number (if any) if an application number has not been assigned to the application If this information is provided, it must be placed on the front of each sheet and centered within the top margin If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the Notice of Allowability Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, MUST be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings MUST be approved by the examiner before the application will be allowed No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes

Timing of Corrections

Applicant is required to submit the drawing corrections <u>within the time period set in the attached Office communication</u>. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in ABANDONMENT of the application